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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,645	11/16/1999	AVERY FONG	5244-0109-2	3214
22850 7	590 09/30/2003			
OBLON, SPI	VAK, MCCLELLAND,	EXAMINER		
1940 DUKE STREET ALEXANDRIA, VA 22314			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER
			2153	13
			DATE MAILED: 09/30/2003	12

Please find below and/or attached an Office communication concerning this application or proceeding.

Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a inial rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  a) The period for reply expires 2 months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection. Whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection. ONLY CHECK THIS BOX WHEN THE ITRST REPLY-WAS FILED WITHIN TYM ONDNTHS OT THE FINAL REFLECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 57 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the final rejection, or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  A Notice of Appeal was filed on 17 July 2003. Appe			PPC.					
Examiner   Art Unit   Art Unit   Examiner   Art Unit		Application No.	Applicant(s)					
Examiner   Art Unit   Kevin Parton   2153	Advisory Action	09/440,645	FONG ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address −  THE REPLY FILED 21 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  Therefrore, further action by the applicant is required to avoid abandoment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)   a) The period for reply expises 2 monits from the mailing date of the final rejection.  **PERIOD FOR REPLY (check either a) or b)   a) The period for reply expises 2 monits from the mailing date of the final rejection.  **PERIOD FOR REPLY (check either a) or b)   a) The period for reply expises 2 monits from the mailing date of the final rejection.  **PERIOD FOR REPLY (check either a) or b)   a) The period for reply expises 2 monits from the mailing date of the final rejection.  **PERIOD FOR REPLY (check either a) or b)   a) The period for reply expises 2 monits from the mailing date of the final rejection, whichever is later. In no event, however, however, however, by period the reply or period for reply expises and the corresponding amount of the final rejection, whichever is later. In no event, however, the scalar date of the second and of the final rejection.  **PERIOD FOR REPLY (check either a) or b) (a) (a) (a) (a) (a) (a) (a) (a) (a) (a	•		Art Unit					
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37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. ★ The proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ★ they raise the issue of new matter (see Note below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. ★ Applicant's reply has overcome the following rejection(s): ★ Nowly proposed or amended claim(s) ★ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. ★ The all affidavit, ble exhibit, or clear reconsideration has been considered but does NOT place the application in condition for allowance because: ★ In a separate in the final rejection.  7. ★ For purposes of Appeal, the proposed amendment(s) all will not be entered or ble will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: ★ Claim(s) rejected: 1-36  Claim(s) withdrawn from consideration: ★ Claim(s) withdrawn from consideration: ★ Burtiess  Superproved or ble disapproved by the Examiner.  9. ★ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). ★ Burtiess  Superproved Texaminer Examiner.	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).							
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Claim(s) rejected: 1-36.  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  Supervisory Patent Examiner.  TECHNOLOGY CENTER 2100	Claim(s) allowed:							
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Other:  GLENTUR B. BURGESS  SUPERVISORY PATENT EXAMINER  TECHNOLOGY CENTER 2100	3.☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.							
GLENTUS B. BURGESS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)							
SUPERVISORY PATENT EXAMINER	10. Other:							
SUPERVISORY PATENT EXAMINER			10-1-					
TECHNOLOGY CENTER 2100		<u> </u>						
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Continuation Sheet (PTOL-303) 09/440,645





Application No.

Continuation of 2. NOTE: The proposed amendment will not be entered because it places limitations in the independent claims that would require further search and/or consideration. Specifically, the independent claims now state that the "monitoring unit and communicating unit reside in the device" and that there is no initial connection to the communicating unit before monitoring can take place. These limitations were not included in the claims as previously rejected and change the scope of the claims to require further consideration and/or search. All arguments presented are based on the amended claims that have not been entered.